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09/786,566

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Yeong Kuang Oon

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08/15/2006

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EXAMINER

GLASS, RUSSELL S

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/786,566 | Applicant(s) OON, YEONG KUANG | |
| | Examiner Russell S. Glass | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 5/9/2006. Claims 28-37 are pending. Claims 1-27 are cancelled.

Drawings

2. The objection to the drawings under 37 C.F.R. 1.83(a) is hereby withdrawn in response to the amendment filed 5/9/2006.

Claim Rejections - 35 U.S.C. 112

3. The rejection of claims 28-37 under the second paragraph of 35 U.S.C. 112 is hereby withdrawn in response to the amendment filed 5/9/2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (WO 96/41275) in view of Iliff, (U.S. 5,594,638) and further in**

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view of Applicant's admission, and further in view of Oon, (WO 97/48059), and further in view of Friedman (U.S. 6,055,494).

6. As per claim 28, Johnson discloses a medical record management system comprising:

a. an administrator system having:

(i) data receiver for accepting medical records, (Johnson, abstract, page 4, lines 1-3).

(ii) a data store for storing the received medical records, (Johnson, abstract, page 4, lines 8-9).

(iii) a query module for receiving query from predefined source (i.e. client) having assigned access right and to transmit relevant record data back to the source, (Johnson, abstract, page 4, lines 9-10, page 10, lines 6-8, page 11, lines 10-17, page 28, line 23 to page 29, line 7).

Johnson fails to teach the medical record represented in medical scripting language including script instructions containing embedded commands, the records stored on the basis of patient data categorized into event categories selected from the group of patient presentation data, patient test results data, patient diagnosis and medication data. However, such a system is well known as disclosed by Iliff, (Iliff, col. 13, line 20-col. 14, line 36).

On page 10, lines 22-25 of the specification, Applicant admitted that the medical scripting language defined by Extended Backus Naur Format is well known as

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described in Programming in Modula-2 by Niklaus Widh, Springer Verlag 1982 and Smalltalk V, Digitalk corporation 1992.

On page 14, lines 16-21, applicant admitted that the use of medical scripting language to encode patient record is known as described in PCT/AU97/00362, published December 18 1997 under publication number WO 97/48059 (Oon) which discloses the medical scripting language and the records stored on the basis of the event categories Plum where P stand for presentation, I for link (i.e., test data), u for utility (i.e., diagnosis) and m for management (i.e., drug treatment or medication data), (Oon, Figs 1-3, 12; page 14, lines 3-12, page 15, lines 10-26).

As per the "pre-emptive report generator in operative interconnection with the data store configured to interrogate the medical records in accordance with prescribed instructions to initiate report generation and execution of said embedded commands in accordance with preselected criteria". It is unclear that this limitation is disclosed in Johnson and Iliff. This, however, is well known as evidenced by Friedman. Friedman teaches a medical language processing system including parser for parsing (i.e., interrogate) medical records according to grammar and lexicon (i.e., prescribed instructions) to form a structured output and tagged report (i.e. report generator), (Friedman, Fig. 1,2, col. 2, line 18- col. 4, line 17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Johnson and Iliff. The motivation would have been to use authoring language to enable expert and general practitioner knowledge to be encoded for access by the public, (Iliff, Abstract).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add Applicant's admission to the collective system of Johnson and Iliff. The motivation would have been to use a language that has the ability to operate on different computing platforms, thus improving scalability and performance.

It would have been obvious to one having ordinary skill in the art at the time of the invention add Friedman to the collective system of Johnson, Iliff, and Applicant's admission. The motivation would have been to computerized processing of natural language phrases found in medical data, (Friedman, col. 1, lines 6-8).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include medical scripting language and event categories admitted by the Applicant and disclosed in WO 97/48059. The motivation would have been to facilitating the querying and managing of medical records, (Oon, page 15, lines 10-15).

7. As per claim 33, the claim recites the method corresponding to the system of claim 28 and is rejected for the same reasons given in the rejection of claim 28.

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

8. As per claims 29, 34, Johnson discloses computer and network, (Johnson, page 9, line 10).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

9. As per claims 30, 35, ASCII format is disclosed by Oon, (Oon, page 32, lines 23-24).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

10. As per claims 31,36, it is within a level of one skilled in the art to select data elements and data types of fields in a record. Johnson discloses data fields of record, (Johnson, page 26, lines 18-25). Oon teaches event status field, handwritten text (i.e, signature, comments), (Oon, page 32, lines 10-28).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

11. As per claims 32, 37, Oon discloses the date tracking function for various application such as recalling or reminding, (Oon, page 3, lines 20-26).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

Response to Arguments

12. Applicant's arguments with respect to claims 28-37 have been considered but are moot in view of the new ground(s) of rejection. In addition, the arguments directed

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toward Friedman, (U.S. 6,182,029), previously applied, are also moot in light of new rejections based on an older reference to Friedman, (U.S. 6,055,494).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: "System of improved recording of medical transaction" (US 2004/0249667); "System for encoding patient data" (US 2003/0073887).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSG
7/24/2006

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JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER